

THE FOLLOWING GREENWOOD COMMON COUNCIL ORDINANCE WILL BE INTRODUCED AT THE MAY 15, 2006, MEETING, WITH FIRST READING AT THE JUNE 5, 2006, MEETING, AND SECOND READING AT THE JUNE 19, 2006, MEETING. **PLEASE NOTE THIS ORDINANCE IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED ORDINANCE PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 06-19

AN ORDINANCE AMENDING GREENWOOD COMMON COUNCIL ORDINANCE NO. 88-75, AS AMENDED, AND GREENWOOD MUNICIPAL CODE (1993), AS AMENDED, CHAPTER 2, ARTICLE 6, SECTION 2-38, TO ADD A PORTION OF GREENWOOD MUNICIPAL CODE (1993), AS AMENDED, SEC. 6-349, TO THE LIST OF ORDINANCES SUBJECT TO THE JURISDICTION OF THE ORDINANCE VIOLATIONS BUREAU

WHEREAS, the City of Greenwood has the authority to adopt ordinances regulating conduct within its jurisdiction that may endanger the public, health, safety, or welfare pursuant to I.C. 36-8-2-4; and

WHEREAS, the City of Greenwood adopted Greenwood Common Council Ordinance No. 06-03, “An Ordinance Amending Greenwood Municipal Code (1993), As Amended, Chapter 6, “Safety Departments and Regulations”, Article 10, “Specific Activities Regulated for the Public’s Health and Safety”, to Add a New Section to Adopt Regulations Prohibiting Smoking in Certain Public Places and Places of Employment” (“Smoking Regulation Ordinance”), restricting the smoking of tobacco and other combustible products in certain areas within the City of Greenwood that includes a penalty of \$50.00 for smoking in a prohibited place, a penalty of \$50.00 for the first violation as an owner, manager or controller of property to fail to comply with any smoking regulation, and a penalty of \$100.00 for the second violation as an owner, manager or controller of property to fail to comply with any smoking regulation; and

WHEREAS, the City of Greenwood established an Ordinance Violations Bureau for the acceptance and appearance of waivers of trial, of admissions of certain ordinance violations and of the payment of civil penalties of \$25.00 or less pursuant to I.C. 33-6-3-1 et seq. by Greenwood Common Council Ordinance No. 88-75, “An Ordinance To Establish An Ordinance Violations Bureau, Schedule of Ordinances Subject To Admission Of Violation And Repeal Of Ordinances Or Parts Thereof In Conflict Therewith”; and

WHEREAS, I.C. 33-6-3-1 et seq. has been amended to increase the amount of the civil penalties which may be paid through an Ordinance Violations Bureau to \$100.00; and

WHEREAS, it would be in the best interest of judicial economy to allow for enforcement and payment of the Fifty Dollar (\$50.00) and One Hundred Dollar (\$100.00) penalties assessed for violations of the Greenwood Smoking Regulation Ordinance through the Ordinance Violations Bureau; and

WHEREAS, Greenwood Common Council Ordinance No. 88-75, as amended, and Greenwood Municipal Code (1993), as amended, Chapter 2, Article 6, Section 2-38 need to be amended to include that portion of the Smoking Regulation Ordinance that provides for the \$50.00 and \$100.00 penalties for enforcement by the Ordinance Violations Bureau and to increase the maximum penalties which may be paid through the Ordinance Violations Bureau to \$100.00,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. Greenwood Common Council Ordinance No. 88-75, as amended, is hereby amended to include the provision of Sec. 6-349 of the Greenwood Municipal Code in the list of ordinances scheduled for the jurisdiction of the Ordinance Violations Bureau with the stated specific penalties of Fifty Dollars (\$50.00) and One Hundred Dollars (\$100.00) as follows:

A. In the second “WHEREAS clause” by changing “Fifty Dollars (\$50.00) or less” to “One Hundred Dollars (\$100.00) or less”; and

B. In Section 5, by adding the following as a new Section 5:

<u>“Ordinances or Code Provisions</u>		<u>Civil Penalty</u>
GMC Sec. 6-349	(Ord. No. 06-03, Smoking Regulations)	\$50.00 for Smoking in a Prohibited Area
		\$50.00 for the first violation as an owner, manager or controller of property to comply with any Regulation
		\$100.00 for the second violation as an owner, manager or controller of property to comply with any Regulation”

C. By renumbering the old “Section 5” to “Section 6”; by renumbering “Section 6” to “Section 7”; by renumbering “Section 7” to “Section 8”; and by renumbering “Section 8” to “Section 9”.

Section 2. Greenwood Municipal Code (1993), Chapter 2, Article 6, Section 2-38, is hereby amended to include the provisions of Sec. 6-349 of the Greenwood Municipal Code in the list of ordinances scheduled for the jurisdiction of the Ordinance Violations Bureau with the stated specific penalties of Fifty Dollars (\$50.00) and One Hundred Dollars (\$100.00) as follows:

A. The current language of Section 2-38 shall remain in its entirety but is hereby amended by inserting the designation Subsection “A.” before the text.

B. Subsection “B.” is added to read:

“B. The following schedule of ordinances (hereinafter “Ord.”) and *Greenwood Municipal Code* (hereinafter “*GMC*”) provisions shall be subject to the jurisdiction of the Ordinance Violations Bureau and violations of said ordinances and *Code* provisions shall be subject to the civil penalty set forth below:

<i>Ordinances or Code Provisions</i>		<i>Civil Penalty</i>
<u>Code Provisions</u>		
Sec. 6-349	(Ord. No. 06-03, Smoking Regulations)	\$50.00 for Smoking in a Prohibited Area
		\$50.00 for the first violation as an owner, manager or

controller of property to
comply with any Regulation

\$100.00 for the second
violation as an owner,
manager or controller of
property to comply with any
Regulation”

Section 3. Greenwood Municipal Code (1993), Chapter 2, Article 6, Section 2-38, is further amended to correct a typographical error in the third line of Page 36, in the list of ordinances scheduled for the jurisdiction of the Ordinance Violations Bureau, by changing “Sec. 2-29” to read “Sec. 2-39”.

Section 4. This Ordinance does not affect any other sections of the Greenwood Municipal Code or other ordinances except as provided herein and all other sections of the Code and other ordinances shall remain the same.

Section 5. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Adopted by the Common Council of the City of Greenwood, Indiana, this ____ day of _____, 2006.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 2006, is presented by me this ____ day of _____, 2006, at _____ O’Clock __.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 2006, is signed and approved by me this ____ day of _____, 2006, at _____ O’Clock ____M.

CHARLES E. HENDERSON, Mayor of
the City of Greenwood, Indiana